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EXAMINER	
GRAHAM, CLEMENT B	

ART UNIT	PAPER NUMBER
3696	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/730,868	TIDWELL ET AL.	
	Examiner	Art Unit	
	Clement B. Graham	3696	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *2/2/09*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-45* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08). Paper No(s)/Mail Date *4/30/04, 9/14/07, 11/19/07*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1 In response to Applicant's arguments filed 2/2/2009 the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 15, 26, are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Applicant's claims are directed to an algorithm. Specifically, claim 1 recites "comparing", "determining" and ", however these steps are mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, for example) and abstract ideas without a practical application are found to be non-statutory subject matter. Therefore, Applicant's claims are non-statutory as they do not produce a useful, concrete and tangible result.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-45, are rejected under 35 U.S.C. 103(a) as being unpatentable over Carr et al (Hereinafter Carr U.S Pub: 2003/0056104 A1) in view of Brodie et al (Hereinafter Brodie U.S Patent 7, 257, 246).

As per claim 1, Carr discloses a computerized method for determining whether to authorize the cashing of a payroll check presented to a check-cashing entity, the method comprising:

obtaining with a point-of-sale device installed at a check-cashing entity input about at least one watermark on a payroll check presented for a proposed check-cashing transaction, comparing the input about the watermark with stored data about watermarks (See column 3 para 0045 and column 4 para 59 and column 6 para 0079).

Carr fails to explicitly teach determining a risk score based at least in part on the comparison, and determining based at least in part on the risk score whether to authorize the cashing of the payroll check and displaying with the point-of-sale device an indication of whether to accept the payroll check based on determining whether to authorize the cashing of the payroll check.

However Brodie discloses one or more risk assessments are performed. Typically, the host, server check cashing,, administrative entity, or another administrative entity executes a Membership Application Process (MAP) or routine to authenticate the consumer's identity. Furthermore, the host, server, check cashing administrative entity, or another administrative entity can execute a checking cashing risk assessment process or routine to authenticate the check being presented by a consumer, and to assess or evaluate the risk involved in a particular checking cashing transaction involving the consumer and the checking presented. Each of these three routines is further discussed and described below with respect to FIGS. 2-4. Note that other processes and routines involving risk assessments may be performed by the host, server checking cashing, administrative entity, or another administrative entity in accordance with the invention. Furthermore, the consumer authentication and check authentication routines can be done in any particular order prior to assessing or evaluating the risk involved in a particular check cashing transaction involving the consumer and the check presented for cashing. (note abstract and see column 1 lines 55-61 and column 2 lines 51-67 and column 3lines 1-13 and column 6 lines 35-64 and claim 11).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Carr to include determining a risk score based at least in part on the comparison, and determining based at least in part on the risk score whether to authorize the cashing of the payroll check and displaying with the point-of-sale device an indication of whether to accept the payroll check based on determining whether to authorize the cashing of the payroll check taught by Brodie in order to determine risk and authorized and

displaying transaction information.

As per claim 2, Carr discloses. wherein comparing the input with the stored data further comprises determining a degree of similarity between the input and an expected configuration for the watermark (see column 1 para 0004 and column 3 para 0030 and 0047 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 3, Carr discloses wherein determining a risk score based at least in part on the comparison comprises determining a risk score indicative of a degree of similarity (see column 1 para 0004 and column 3 para 0030 and 0047 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 4, Carr discloses wherein determining a risk score based at least in part on the comparison comprises determining a risk score indicative of lower risk when the degree of similarity is greater and determining a risk score indicative of higher risk when the degree of similarity is less (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 5, Carr discloses a computerized apparatus that indicates to an entity whether to accept a check, the apparatus comprising:
a computer processor configured to receive information about at least one authenticating mark on a check presented to an entity the computer processor and mark (See column 3 para 0045 and column 4 para 59 and column 6 para 0079).

Carr fails to explicitly teach further configured to determine a risk score associated with accepting the check, wherein the risk score is based at least in part on the information about the authenticating, the computer processor further configured to indicate to the entity whether to accept the check based at least in part on the risk score.

However Brodie discloses one or more risk assessments are performed. Typically, the host, server check cashing,, administrative entity, or another administrative entity executes a Membership Application Process (MAP) or routine to authenticate the consumer's identity. Furthermore, the host, server, check cashing administrative entity, or another administrative entity can execute a checking cashing risk assessment process or routine to authenticate the check being presented by a consumer, and to assess or evaluate the risk involved in a particular checking cashing transaction involving the consumer and the checking presented. Each of these

three routines is further discussed and described below with respect to FIGS. 2-4. Note that other processes and routines involving risk assessments may be performed by the host, server checking cashing, administrative entity, or another administrative entity in accordance with the invention. Furthermore, the consumer authentication and check authentication routines can be done in any particular order prior to assessing or evaluating the risk involved in a particular check cashing transaction involving the consumer and the check presented for cashing. (note abstract and see column 1 lines 55-61 and column 2 lines 51-67 and column 3lines 1-13 and column 6 lines 35-64 and claim 11).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Carr to include further configured to determine a risk score associated with accepting the check, wherein the risk score is based at least in part on the information about the authenticating, the computer processor further configured to indicate to the entity whether to accept the check based at least in part on the risk score taught by Brodie in order to determine risk and authorized transaction.

As per claim 6, Carr discloses wherein the authenticating mark is a watermark, barcode, insignia, heat-sensitive mark, security validation number, color scheme, background pattern, micro printing, color shifting ink, holographic strips, or plurality of ultraviolet light sensitive fibers (see column 1 para 0004 and column 3 para 0030 and 0047 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 7, Carr discloses wherein the computer processor determines the risk score based on a degree of similarity between insignia-related input received by the entity and stored information about expected configurations of authenticating marks (see column 1 para 0004 and column 3 para 0030 and 0047and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 8, Carr discloses wherein the computer apparatus determines a risk score indicative of less risk when the degree of similarity is higher (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 9, Carr discloses wherein the computer processor is further configured to compare the information about the authenticating mark with stored information about expected configurations of authenticating marks (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 10, Carr discloses wherein the computer processor is further configured to receive the information about the authenticating mark from a third party service (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 11, Carr discloses further configured to receive the information about the authenticating mark from the entity (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 12, Carr wherein the computer processor is further configured to indicate to the entity whether to accept the check based at least in part on information about a check presenter associated with the check (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 13, Carr discloses wherein the computer processor is further configured to indicate to the entity whether to accept the check based at least in part on information about an issuer location associated with the check (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 14, Carr discloses wherein the computer processor is further configured to indicate to the entity whether to accept the check based at least in part on positive pay information associated with the check (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 15, Carr discloses a computerized method that indicates to an entity whether to accept a check, the method comprising:

receiving from an entity information about at least one authenticating mark on a check associated with a proposed check transaction (See column 3 para 0045 and column 4 para 59 and column 6 para 0079).

Carr fails to explicitly teach determining a risk score associated with the proposed check transaction based at least in part on the information about the authenticating mark and indicating to the entity whether to accept the check based at least in part on the risk score.

However Brodie discloses one or more risk assessments are performed. Typically, the host, server check cashing,_ administrative entity, or another administrative entity executes a Membership Application Process (MAP) or routine to authenticate the consumer's identity. Furthermore, the host, server, check cashing administrative entity, or another administrative

entity can execute a checking cashing risk assessment process or routine to authenticate the check being presented by a consumer, and to assess or evaluate the risk involved in a particular checking cashing transaction involving the consumer and the checking presented. Each of these three routines is further discussed and described below with respect to FIGS. 2-4. Note that other processes and routines involving risk assessments may be performed by the host, server checking cashing, administrative entity, or another administrative entity in accordance with the invention. Furthermore, the consumer authentication and check authentication routines can be done in any particular order prior to assessing or evaluating the risk involved in a particular check cashing transaction involving the consumer and the check presented for cashing. (note abstract and see column 1 lines 55-61 and column 2 lines 51-67 and column 3lines 1-13 and column 6 lines 35-64 and claim 11).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Carr to include determining a risk score associated with the proposed check transaction based at least in part on the information about the authenticating mark and indicating to the entity whether to accept the check based at least in part on the risk score taught by Brodie in order to determine risk and authorized and transaction.
As per claim 16, Carr discloses wherein the authenticating mark is a watermark, barcode, insignia, heat-sensitive mark, security validation number, color scheme, background pattern, micro printing color shifting ink, holographic strips, or plurality of ultraviolet light sensitive fibers (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 17, Carr discloses wherein comparing the input with the stored data further comprises determining a degree of similarity between the input and an expected configuration for the authenticating mark (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 18, Carr discloses wherein determining a risk score based at least in part on the comparison comprises determining a risk score indicative of a degree of similarity (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 19, Carr discloses wherein determining a risk score further comprises

determining the risk score based at least in part on biometric information about a check presenter associated with the proposed check transaction (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 20, Carr discloses wherein determining a risk score further comprises determining the risk score based at least in part on information about a location associated with the check (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 21, Carr discloses wherein the location associated with the check is a location associated with an issuer of the check (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 22, Carr discloses wherein the location associated with the check is a location associated with the entity (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 23, Carr discloses wherein determining a risk score further comprises determining the risk score based at least in part on positive pay information associated with the check (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 24, Carr discloses an apparatus that scores risk associated with a proposed financial transaction, the apparatus comprising:
a computer processor configured to receive information about at least one authenticating mark on a negotiable instrument associated with a proposed financial transaction, (See column 3 para 0045 and column 4 para 59 and column 6 para 0079).

Carr fails to explicitly teach the computer processor further configured to determine a risk score associated with the proposed financial transaction based at least in part on the information about the authenticating mark.

However Brodie discloses one or more risk assessments are performed. Typically, the host, server check cashing, administrative entity, or another administrative entity executes a Membership Application Process (MAP) or routine to authenticate the consumer's identity. Furthermore, the host, server, check cashing administrative entity, or another administrative entity can execute a checking cashing risk assessment process or routine to authenticate the

check being presented by a consumer, and to assess or evaluate the risk involved in a particular checking cashing transaction involving the consumer and the checking presented. Each of these three routines is further discussed and described below with respect to FIGS. 2-4. Note that other processes and routines involving risk assessments may be performed by the host, server checking cashing, administrative entity, or another administrative entity in accordance with the invention. Furthermore, the consumer authentication and check authentication routines can be done in any particular order prior to assessing or evaluating the risk involved in a particular check cashing transaction involving the consumer and the check presented for cashing. (note abstract and see column 1 lines 55-61 and column 2 lines 51-67 and column 3lines 1-13 and column 6 lines 35-64 and claim 11).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Carr to include the computer processor further configured to determine a risk score associated with the proposed financial transaction based at least in part on the information about the authenticating mark taught by Brodie in order to determine risk and authorized transaction.

As per claim 25, Carr discloses wherein the authenticating mark is a watermark, barcode, insignia, heat-sensitive mark, security validation number, color scheme, background pattern, micro printing, color shifting ink, holographic strips, or plurality of ultraviolet light sensitive fibers (see column 1 para 0004 and column 3 para 0030 and 0047 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 26, Carr discloses a computerized method that scores risk associated with a proposed financial transaction, the method comprising: receiving information about at least one authenticating mark on a negotiable instrument presented in association with a proposed financial transaction (See column 3 para 0045 and column 4 para 59 and column 6 para 0079).

Carr fails to explicitly teach and determining a risk score associated with the proposed financial transaction based at least in part on the information about the authenticating mark indicating to an entity whether to accept the negotiable instrument based at least in part on the risk score.

However Brodie discloses one or more risk assessments are performed. Typically, the host, server check cashing, administrative entity, or another administrative entity executes a

Membership Application Process (MAP) or routine to authenticate the consumer's identity. Furthermore, the host, server, check cashing administrative entity, or another administrative entity can execute a checking cashing risk assessment process or routine to authenticate the check being presented by a consumer, and to assess or evaluate the risk involved in a particular checking cashing transaction involving the consumer and the checking presented. Each of these three routines is further discussed and described below with respect to FIGS. 2-4. Note that other processes and routines involving risk assessments may be performed by the host, server checking cashing, administrative entity, or another administrative entity in accordance with the invention. Furthermore, the consumer authentication and check authentication routines can be done in any particular order prior to assessing or evaluating the risk involved in a particular check cashing transaction involving the consumer and the check presented for cashing. (note abstract and see column 1 lines 55-61 and column 2 lines 51-67 and column 3 lines 1-13 and column 6 lines 35-64 and claim 11).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Carr to include and determining a risk score associated with the proposed financial transaction based at least in part on the information about the authenticating mark indicating to an entity whether to accept the negotiable instrument based at least in part on the risk score taught by Brodie in order to determine risk and authorized transaction.

As per claim 27, Carr discloses wherein the authenticating mark is a watermark, barcode, insignia, heat-sensitive mark, security validation number, color scheme, background pattern, micro printing, color shifting ink, holographic strips, or plurality of ultraviolet light sensitive fibers (see column 1 para 0004 and column 3 para 0030 and 0047 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 28, Carr discloses wherein determining a risk score associated with the proposed financial transaction further comprises considering a comparison of insignia-related input received by an entity associated with the proposed financial transaction and an expected configuration of an authenticating mark (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 29, Carr discloses wherein determining a risk score associated with the proposed financial transaction further comprises determining an insignia-related risk score. .(see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 30, Carr discloses wherein determining a risk score associated with the proposed financial transaction further comprises determining the risk score based at least in part on information about a presenter of the negotiable instrument (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 31, Carr discloses wherein the information about the presenter comprises biometric information about the presenter (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 32, Carr discloses wherein determining a risk score associated with the proposed financial transaction further comprises determining the risk score based at least in part on information about a location associated with the issuer of the negotiable instrument (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 33, Carr discloses wherein determining a risk score associated with the proposed financial transaction further comprises determining the risk score based at least in part on reconciliation information associated with the negotiable instrument (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 34, Carr discloses wherein the reconciliation information comprises positive pay information (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 35, Carr discloses wherein receiving information about at least one authenticating mark comprises receiving a front and a back image of the authenticating mark (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 36, Carr discloses wherein receiving information about at least one authenticating mark comprises receiving a front and a back image of the negotiable instrument (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines

claim 27).

As per claim 37, Carr discloses a computerized system that determines whether to authorize a proposed check transaction, the system comprising:
a point-of-sale device installed at a check-cashing entity, wherein the point-of-sale device is configured to obtain data about one or more authenticating marks on a check associated with a proposed check transaction, a database of information about authenticating marks (See column 3 para 0045 and column 4 para 59 and column 6 para 0079) a computer processor configured to receive the data from the point-of-sale device and to compare the data with information stored in the database(See column 3 para 0045 and column 4 para 59 and column 6 para 0079).

Carr fails to explicitly teach a check authorization system configured to determine a risk score based at least in part on the comparison, the check authorization system further configured to determine based at least in part on the risk score whether to authorize the check transaction.

However Brodie discloses one or more risk assessments are performed. Typically, the host, server check cashing, administrative entity, or another administrative entity executes a Membership Application Process (MAP) or routine to authenticate the consumer's identity. Furthermore, the host, server, check cashing administrative entity, or another administrative entity can execute a checking cashing risk assessment process or routine to authenticate the check being presented by a consumer, and to assess or evaluate the risk involved in a particular checking cashing transaction involving the consumer and the checking presented. Each of these three routines is further discussed and described below with respect to FIGS. 2-4. Note that other processes and routines involving risk assessments may be performed by the host, server checking cashing, administrative entity, or another administrative entity in accordance with the invention. Furthermore, the consumer authentication and check authentication routines can be done in any particular order prior to assessing or evaluating the risk involved in a particular check cashing transaction involving the consumer and the check presented for cashing. (note abstract and see column 1 lines 55-61 and column 2 lines 51-67 and column 3 lines 1-13 and column 6 lines 35-64 and claim 11).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Carr to include a check authorization system configured to determine a risk score based at least in part on the comparison, the check

authorization system further configured to determine based at least in part on the risk score whether to authorize the check transaction taught by Brodie in order to determine risk authorized and transaction.

As per claim 38, Carr discloses wherein the point-of-sale device is further configured to obtain a front and a back image of the authenticating mark.(see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 39, Carr discloses wherein the point-of-sale device is further configured to obtain a front and a back image of the check (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 40, Carr discloses wherein the computer processor is located at the check-cashing entity (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 41, Carr discloses wherein the computer processor is located at a third party service provider (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 42, Carr discloses wherein the third party service provider is configured to transmit information about the comparison to the check authorization system (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 43, Carr discloses wherein the third party service provider is configured to transmit information about the comparison to the check-cashing entity (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 44, Carr discloses wherein the computer processor is located at the check authorization system (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 45, Carr discloses a system for indicating to a check-cashing entity whether to accept a check for cashing, the system comprising:
means for receiving from a check-cashing entity information about at least one authenticating mark on a check associated with a proposed check-cashing transaction(See column 3 para 0045 and column 4 para 59 and column 6 para 0079).

associated with the proposed check-cashing transaction based at least in part on the information about the authenticating mark and means for indicating to the check-cashing entity whether to accept the check for cashing (See column 3 para 0045 and column 4 para 59 and column 6 para 0079).

Carr failss to explicitly teach means for determining a risk score, and based at least in part on the risk score.

However Brodie discloses one or more risk assessments are performed. Typically, the host, server check cashing,, administrative entity, or another administrative entity executes a Membership Application Process (MAP) or routine to authenticate the consumer's identity. Furthermore, the host, server, check cashing administrative entity, or another administrative entity can execute a checking cashing risk assessment process or routine to authenticate the check being presented by a consumer, and to assess or evaluate the risk involved in a particular checking cashing transaction involving the consumer and the checking presented. Each of these three routines is further discussed and described below with respect to FIGS. 2-4. Note that other processes and routines involving risk assessments may be performed by the host, server checking cashing, administrative entity, or another administrative entity in accordance with the invention. Furthermore, the consumer authentication and check authentication routines can be done in any particular order prior to assessing or evaluating the risk involved in a particular check cashing transaction involving the consumer and the check presented for cashing. (note abstract and see column 1 lines 55-61 and column 2 lines 51-67 and column 3 lines 1-13 and column 6 lines 35-64 and claim 11).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Carr to include explicitly teach means for determining a risk score, and based at least in part on the risk score taught by Brodie in order to determine risk and authorized and transaction.

Conclusion

RESPONSE TO ARGUMENTS

5. Applicant argument filed 2/2/09 has been fully considered but they are not persuasive for the following reasons.

6. In response to Applicant's arguments that Carr the prior art of reference fails to teach or suggest" determine a risk score for a transaction based on information about an authenticating mark such as watermark" the examiner disagrees with Applicants with Applicant's because these limitations were addressed as stated.

Carr discloses obtaining with a point-of-sale device installed at a check-cashing entity input about at least one watermark on a payroll check presented for a proposed check-cashing transaction, comparing the input about the watermark with stored data about watermarks (See column 3 para 0045 and column 4 para 59 and column 6 para 0079).

However Brodie discloses one or more risk assessments are performed. Typically, the host, server check cashing,, administrative entity, or another administrative entity executes a Membership Application Process (MAP) or routine to authenticate the consumer's identity. Furthermore, the host, server, check cashing administrative entity, or another administrative entity can execute a checking cashing risk assessment process or routine to authenticate the check being presented by a consumer, and to assess or evaluate the risk involved in a particular checking cashing transaction involving the consumer and the checking presented. Each of these three routines is further discussed and described below with respect to FIGS. 2-4. Note that other processes and routines involving risk assessments may be performed by the host, server checking cashing, administrative entity, or another administrative entity in accordance with the invention. Furthermore, the consumer authentication and check authentication routines can be done in any particular order prior to assessing or evaluating the risk involved in a particular check cashing transaction involving the consumer and the check presented for cashing. (note abstract and see column 1 lines 55-61 and column 2 lines 51-67 and column 3lines 1-13 and column 6 lines 35-64 and claim 11).

Therefore it obviously clear that Applicant's claim limitations were addressed within the teachings of Carr and Brodie.

7. With respect to Applicant's argument on Prima facie Case of Obviousness, Examiner respectfully submits that obviousness is not determined on the basis of the evidence as a whole and the relative persuasiveness of the arguments. See In re Oetiker, 977F. 2d 1443, 1445,24 USPQ2d 1443, 1444 (Fed. Cir. 1992); In re Hedges, 783F.2d 1038, 1039, 228 USPQ* 685, 686 (Fed. Cir.1992); In re Piaseckii, 745 F.2d

1468, 1472, 223 USPQ 785, 788 (Fed. Cir.1984); In re Rinehart, 531 F.2d 1048, 1052, 189 USPQ 143, 147 (CCPA 1976). Using this standard, the Examiner respectfully submits that he has at least satisfied the burden of presenting a prima facie case of obviousness, since he has presented evidence of corresponding claim elements in the prior art and has expressly articulated the combinations and the motivations for combinations that fairly suggest Applicant's claimed invention. Note, for example, in the instant case, the Examiner respectfully notes that each and every motivation to combine the applied references are accompanied by select portions of the respective reference(s) which specially support that particular motivation and /or an explanation based on the logic and scientific reasoning of one ordinarily skilled in the art at the time of the invention that support a holding of obviousness. As such, it is not seen that the Examiner's combination of references is unsupported by the applied prior art of record. Rather, it is respectfully submitted that explanation based on the logic and scientific reasoning of one of ordinarily skilled in the art at the time of the invention that support a holding of obviousness has been adequately provided by the motivations and reasons indicated by the Examiner, Ex pane Levengood, 28 USPQ2d 1300(Bd. Pat. App &.,4/293 Therefore the combination of reference is proper and the rejection is maintained.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B. Graham whose telephone number is 571-272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Frantzy Poinvil/
Primary Examiner, Art Unit 3696

CG
July 4, 2009